



Austin City Council MINUTES

THURSDAY, JULY 22, 1999

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 9:22 A.M. ON THURSDAY, JULY 22, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order.

5. Town Lake Master Plan

The presentation was given by Austin Librach, Peter Reick, and Betty Dunkerley.

6. Homeless Shelter

The presentation was given by David Lurie, Joyce Pullman, Denise Channey, Marcia Conner and Sue Brubaker.

PREVIEW OF ITEMS FOR NEXT COUNCIL MEETING

- 1. Review of Proposed Agenda Items from the City Manager for July 29, 1999.**
- 2. Review of Proposed Agenda Items from Council for July 29, 1999.**
- 3. Discuss and identify consent and discussion agenda items for the July 22, 1999 Council meeting agenda. (Agenda for July 22, 1999 is attached and incorporated by reference.)**
- 4. Set Time Certain, if necessary, for agenda items on the July 22, 1999 Agenda.**

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda.

The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

ADJOURNED at 12: 15 on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Slusher off the dais.

EXECUTIVE SESSION

The City Council announced it would go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Executive session was held at 12:15 p.m. on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 6-0 vote. Council Member Slusher was off the dais.

Private Consultation with Attorney - Section 551.071

71. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
72. Discuss *City of Austin v. LS Ranch LTD, et al.*, Cause No. 039800542-CV, in the Third Court of Appeals (Austin, Texas). (This litigation concerns development regulations applicable in the Barton Springs Zone.)
73. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.
74. Discuss legal issues concerning the northern boundary line of the Sand Beach Reserve tract on the North side of Town Lake at Lamar Boulevard.

Executive session ended at 1:48 p.m.

LIVE MUSIC: A-Town Wags

INVOCATION – Pastor T.J. Thomas – Pentecostal Church of God-Austin Evangelistic Center

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 1: 47 P.M. ON THURSDAY, JULY 22, 1999, AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order.

1. Approval of Minutes for Regular Meetings of July 15, 1999
The Minutes for the Regular Meeting of July 15, 1999 were approved on Council Member Lewis' motion, Council Member Slusher's second on a 6-0 vote. Council Member Garcia abstained.

CITIZEN COMMUNICATIONS: GENERAL

2. Gus Pena – Discuss City Budget and City Clinics and Goggio Consultants Contract
3. Arthur Harrington – Taxi Cab Meter Rate Increase
Absent
4. Adrian Pineda – Proposed Budget of the Department of Health and Human Services/Health Care
5. Michael Bonds – No Cops on Focus Group!
Absent
6. Carter Breed – City Construction on Lake Austin Blvd. and Its Effect on Small Businesses
7. John McMillan – That the City of Austin Institute More Stringent Employment Eligibility Requirements for Police Officers

ADDENDUM

75. Tracy Johnson – City Utilities –Water Division

CONSENT AGENDA

ALL OF THE FOLLOWING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, COUNCIL MEMBER LEWIS' SECOND BY A 7-0 VOTE.

Items 8 through 10 were pulled for discussion.

11. Approve a resolution authorizing nominating projects for funding through the Statewide Transportation Enhancement Program of the Texas Department of Transportation, and certifying the availability of matching funds for proposed projects. (Matching funds are subject to inclusion in future Capital Budgets of the Departments of Public Works and Transportation, Parks and Recreation Department, and Austin Energy. Availability of matching funds has been established in the 1999-2000 Five-Year Capital Improvements Program Plan with exceptions noted by asterisks on the attached exhibit.) (6/21/99 - Urban Transportation Commission endorsed submittal of project applications.)
This item was postponed to July 29, 1999 at the request of Staff.

12. Approve a resolution ratifying the submittal of a grant application for supplemental funding in the amount of \$3,750,000 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, to provide \$75,000 per officer for 50 new police officer positions over a two year period. (Supplemental funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, with an anticipated start date of October 1, 1999 for the first 25 officers. A cash match of \$3,517,847 will be required over a four-year period for all 50 officers, and will be included in future operating budgets for the Austin Police Department, should the Council accept the full grant and add 50 new officers.)
Resolution No. 990722-12 was approved.

Item 13 was pulled for discussion.

14. Approve a resolution authorizing execution of a construction contract with KEYSTONE CONSTRUCTION INC., for construction of the Center Street water reservoir and replacement of valves located in Center Street and 6th Street for the Water and Wastewater Utility in the amount of \$4,705,000. (Funding in an amount of \$3,915,000 was included in the 1995-96 Amended Capital Budget and \$790,000 was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of three. 5.34% MBE, 1.23% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990722-14 was approved.

15. Approve a resolution authorizing a construction contract award to HEYL CONSTRUCTION, LTD., Leander, Texas, for water and wastewater line construction in the vicinity of U.S. Hwy 183, Pond Springs Road and McNeil Road, for the Jollyville Transmission Main, Phase II-A and III Project and the Pond Springs Service to Annexed Area #2, Phase A, Project, in the amount of \$2,077,837.95. (Funding in an amount \$177,059.50 is included in the 1998-99 Amended Capital Budget and \$190,778.45 is included in the 1998-99 Amended Budget of the Water and Wastewater Utility.) Low bid of six. 23.91% MBE, 8.4% Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990722-15 was approved.

Item 16 was pulled for discussion.

17. Approve a resolution authorizing execution of a construction contract with ROYAL VISTA INC., Liberty Hill, Texas, for construction of water and wastewater improvements at the intersection of IH-35 South and Slaughter Lane, known as the IH-35 South Service to Annexed Areas #16 Phase A Water and Wastewater Services project, in the amount of \$239,670.27. (Funding is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of seven. 15.20% MBE, 5.68% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990722-17 was approved.

18. Approve a resolution authorizing the execution of a sole source contract with STM EQUIPMENT, INC., Arlington, Texas, for the purchase DataCap 3.0 software for the Water and Wastewater Utility for a total contract amount of \$90,000. (Funding was included in the 1998-99 Approved Operating Budget for the Water and Wastewater Utility.) No subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Resolution No. 990722-18 was approved.

19. Approve a resolution authorizing execution of a contract with FRUEHAUF TRAILER SERVICES, INC., for the purchase of one frame-type semi-trailer for the Water and Wastewater Utility in the amount of \$69,876. (Funding was included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility Department.) Single Bidder. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)
Resolution No. 990722-19 was approved.

20. Approve a resolution authorizing execution of a construction contract with NELSON LEWIS, INC., Marble Falls, Texas, for construction of wastewater improvements in the vicinity of FM 1825, north of Wells Parkway and south of Barbergale Street, known as the IH 35 North Service to Annexed Area #15 Phase A Wastewater Improvements Project, in the amount of \$214,166. (Funding is included in the 1998-99 Amended Capital Budget of the Water and Wastewater Utility.) Low bid of four. 23.8% MBE, 8.4% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990722-20 was approved.

21. Approve a resolution authorizing execution of a contract with SHIMADZU SCIENTIFIC INSTRUMENTS, INC. Houston, Texas, for the purchase of a gas chromatography system for the Water and Wastewater Utility in the amount of \$47,675.60. (Funding was included in the FY 1998-1999 Approved Operating Budget of the Water and Wastewater Utility.) Low bid of four. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990722-21 was approved.

22. Approve a resolution authorizing execution of a twelve-month supply agreement with MUNICIPAL PIPE & FABRICATING CO., Pflugerville, Texas, for the purchase of iron body gate valves of various sizes, for the Water and Wastewater Utility in an amount not to exceed \$57,758 with two twelve-month extension options in an amount not to exceed \$57,758 per extension option for a total contract amount not to exceed \$173,274. (Funding in an amount of \$12,033 was included in the FY 1998-99 Approved Operating Budget for the Water and Wastewater Utility. Funding for the remaining nine months of the original contract period and the extension options is contingent upon available funding in future budgets. Low bid of five. (Recommended by Water and Wastewater Commission) No MBE/WBE subcontracting participation.

Resolution No. 990722-22 was approved.

23. Approve a resolution authorizing execution of a twelve month supply agreement with POLYDYNE INC., Toledo, Ohio, for the purchase of liquid emulsion cationic polymer, for the Water and Wastewater Utility in an amount not to exceed \$507,520 with two twelve-month extension options in an amount not to exceed \$507,520 per extension option for a total contract amount not to exceed \$1,522,560. (Funding in an amount \$105,734 was included in the Fiscal Year 1998-99 Approved Operating Budget for the Water and Wastewater Utility. Funding for the remaining ten months of the original contract period and the extension options is contingent upon available funding in future budgets.) Low bid of five. No MBE/WBE subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990722-23 was approved.

24. Set two public hearings to present and receive public input on the Proposed City of Austin/Lower Colorado River Authority Water Supply Purchase Agreement to be completed by the end of August 1999. (Suggested Dates and Times: August 5, 1999 and August 19, 1999 at 6:00 p.m.)

Resolution No. 990722-24 was approved.

Item 25 was pulled for discussion.

26. Approve an ordinance repealing and replacing Chapter 16-4 of the City Code, and adding six new school zones as follows: Teri Road (Hermelinda Rodriguez Elementary School); South Pleasant Valley Road (Hermelinda Rodriguez Elementary School); Texas Oaks Drive (Bertha Casey Elementary School); Texas Sun Drive (Bertha Casey Elementary School); Gatling Gun Lane (Timy Baranoff Elementary School); and Monterey Oaks Boulevard (Clint Small, Jr. Middle School). (Funding in an amount of \$36,200 for flashers and signs is available in the 1998-99 Approved Operating Budget of the Child Safety Fund of the Department of Public Works and Transportation.)

Ordinance No. 990722-26 was approved.

Items 27 through 30 were pulled for discussion.

31. Adopt an ordinance to authorize the grant of a right of first refusal to Post Apartment Homes, L.P. as part of Ground Lease of a 3.010-acre tract known as the Poleyard tract.

Ordinance No. 990722-31 was approved.

32. Consider an ordinance reimbursing or waiving development fees for Post Apartment Homes, L.P. for the project located in the area bounded by Bowie Street, Shoal Creek, West Avenue, and West 3rd Street. (Reimbursement or waiver of appropriate fees in an amount not to exceed \$300,000.)

Ordinance No. 990722-32 was approved.

33. Authorize negotiation and execution of a community facilities contract with POST APARTMENT HOMES, L.P. for construction of West 3rd Street from the intersection of West Avenue to the intersection of Bowie Street, with City cost reimbursement in an amount not to exceed \$225,000. (Funding in an amount of \$225,000 is available in the 1998-99 Amended Capital Budget of the Department of Public Works and Transportation.)

Resolution No. 990722-33 was approved.

34. Amend Ordinance No. 980915-A, the 1998-99 General Fund Operating Budget for the Health and Human Services Department, by reducing the appropriation for Managed Care by \$713,313, increasing the appropriation for the Hospital Contracted Services by \$409,243, and increasing the appropriation for Health and Human Services by \$304,070. (This budget amendment request will transfer funds in the Approved 1998-99 Health and Human Services Department's General Fund Medical Assistance Program operating budget from the Managed Care Network to Hospital Contracted Services and to Network Pharmacy Services in the Health and Human Services appropriation.)

This item has been postponed to July 29, 1999 at the request of staff.

35. Amend Ordinance No. 980915-A, the 1998-99 Operating Budget for the Health and Human Services Departments' Special Revenue Fund by accepting and appropriating \$7,834 in grant funds from the Texas Departments of Health's Children's Health Insurance Program, for a total grant amount of \$7,834. (Funding is available from the Texas Departments of Health's Children's Health Care Financing Division. The grant period is February 1, 1998-August 31, 1999. No City Match is required.)

Ordinance No. 990722-35 was approved.

36. Amend Ordinance 980915-A, the 1998-99 Operating Budget of the Support Services Fund by increasing the beginning balance by \$357,209 to recognize the audited beginning balance of \$563,251; increasing budgeted expenditures in the Law Department by \$390,000 for outside counsel fees and decreasing the expenditures in City Clerk by \$195,000 to recognize savings from runoff election cancellation and increasing the ending balance by \$162,209. (\$390,000 from the Support Services Fund)

Ordinance No. 990722-36 was approved.

37. Approve a resolution authorizing outside counsel agreement with Thompson & Knight to represent the City in various real estate matters, including agreements with Computer Sciences Corporation in an amount not to exceed \$250,000. (Funding was included in the FY 1998-99 Amended Operating Budget of the Law Department.)

Resolution No. 990722-37 was approved.**Item 38 was pulled for discussion.**

39. C14-98-0225 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6721 to 6807 North FM 620 Road and 11115 to 11209 FM 2222 Road from “I-RR”, Interim Rural Residence district, “I-SF-2”, Interim-Single Family Residence (standard lot) district, and “DR”, Development Reserve district to “GR-MU-CO”, Community Commercial – Mixed Use – Conditional Overlay Combining district zoning, with conditions. First Reading on March 4, 1999: Vote 6-1, Slusher – no. Second reading on July 1, 1999: Vote 5-1, Slusher-no, Spelman absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first and second ordinance reading. Applicant: Richard Buratti. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339.

Ordinance No. 990722-39 was approved. Council Member Slusher voted no on this item.

40. C14-98-0233 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6657 North FM 620 Road from “DR”, Development Reserve district to “GR-MU-CO”, Community Commercial – Mixed Use – Conditional Overlay Combining district zoning, with conditions. First Reading on March 4, 1999: Vote 6-1, Slusher – no. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first ordinance reading. Applicant: Bernice King. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339. (Continued from 7/1/99)

Ordinance No. 990722-40 was approved. Council Member Slusher voted no on this item.

41. C14-98-0234 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11213 to 11219 FM 2222 Road from “I-SF-2”, Interim-Single Family Residence (standard lot) district and “I-RR”, Interim Rural Residence district to “GR-MU-CO”, Community Commercial – Mixed Use – Conditional Overlay Combining district zoning, with conditions. First Reading on March 4,

1999: Vote: 6-1, Slusher – no. Conditions met as follows: Conditional Overlay incorporates conditions imparted by Council on first ordinance reading. Applicant: Valeta and Bobby Dockal. Agent: Ray Wilkerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339. (Continued from 7/1/99)

Ordinance No. 990722-41 was approved. Council Member Slusher voted no on this item.

42. C14-98-0235 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6811 North FM 620 Road from “I-SF-2”, Interim-Single Family Residence (standard lot) district to “GR-MU-CO”, Community Commercial- Mixed Use-Conditional Overlay Combining district zoning, with conditions. First Reading on March 4, 1999. Vote: 6-1, Slusher – no. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first ordinance reading. Applicant: four Points Vet Clinic (Jim Spence). Agent: Ray Wilerson Companies (Jim Spence). City Staff: Ellen Meadows, 499-2339. (Continued from 7/1/99)

Ordinance No. 990722-42 was approved. Council Member Slusher voted no on this item.

43. C14-99-0028 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1616 East Oltorf Street from “LR”, Neighborhood Commercial district zoning to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading on May 6, 1999; Vote 6-0 (Watson off dais). Applicant: Louis Lecocke; Agent: Jim Bennett. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990722-43 was approved.

Items 44 through 47 were pulled for discussion.

48. C14-98-0188 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8409 Tuscany Way and 8309-8401 Tuscany Way from "DR", Development Reserve district and “I-RR” Interim-Rural Residence district to “LI-CO” Limited Industrial Services-Conditional Overlay Combining district zoning on Tract 1 and “GR-CO”, Community Commercial district zoning on Tract 2, with conditions. First reading on July 1, 1999; Vote 6-0 (Spelman absent). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Springdale Investments (John Lewis); Agent: Armbrust Brown and Davis (David B. Armbrust); City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990722-48 was approved.

49. C14-98-0189 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8310-8320, 8404-8412, 8500-8510, and 8600 Tuscany Way from "DR", Development Reserve district and “I-RR” Interim-Rural Residence district to LI-CO” Limited Industrial Services-Conditional Overlay Combining district zoning with conditions. First reading on July 1, 1999; Vote 6-0 (Spelman absent). Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Springdale Investments (John Lewis); Agent: Armbrust Brown and Davis (David B. Armbrust); City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990722-49 was approved.

Items 50 through 62 were part of the Zoning Hearings taken up later in the evening.

63. Approve a resolution authorizing a contract in the amount of \$50,000 in Community Development Block Grants (CDBG) funds, with the Austin Revitalization Authority (ARA), to meet the matching requirement for the implementation of the Texas Main Street Program, with four contract renewal options of \$50,000 each, subject to the selection of ARA as a participant under the Texas Main Street Program, for a total contract amount not to exceed \$250,000. (Funding for renewal options is contingent on available funding in future budgets.) (Council Members Gus Garcia and Willie Lewis and Mayor Kirk Watson)

Resolution No. 990722-63 was approved.

64. Approve a resolution authorizing the City Manager to establish a local, non-profit, government corporation to manage the day labor program, approving the articles of incorporation, approving the form of the bylaws of the corporation, and directing the City Manager to take the action necessary to establish the corporation under state law. (Council Member Gus Garcia and Mayor Kirk Watson)

Resolution No. 990722-64 was approved.

Items 65-67 were pulled for discussion.

68. Conduct a public hearing on an ordinance amending Title 25 of the City Code relating to the expiration of preliminary subdivision plans.

This item has been scheduled for August 5, 1999.

Item 69 was pulled for discussion.

70. Approve an ordinance amending Title 25 of the City Code relating to the expiration of preliminary subdivision plans.

This item has been scheduled for August 5, 1999.

Items 71 through 74 were discussed in Executive Session.

Item 75 was an addendum on citizen's communication.

APPOINTMENTS

76. Telecommunication Commission

Amy Mok

Reappointment

Council Member Lewis

Elango Rajagopal

Reappointment

Mayor Watson.

DISCUSSION AGENDA

10. Approve an Ordinance to amend the City Code, Chapter 4-2, Article II, "Emergency and Peak Day Water Use Management" to meet regulatory requirements of Senate Bill 1 and to prohibit

the waste of the City's drinking water. (Recommended by the Resource Management Commission and Water and Wastewater Commission.)

First reading of this ordinance was approved on Council Member Spelman's motion, Council Member Garcia's second on a 6-0 vote. Council Member Griffith was off the dais.

13. Approve a resolution authorizing Service Extension Request No. 1906 for wastewater service submitted by David Baizer for the 290 Scenic Brook Plaza Tract consisting of approximately 40 acres of land which is located outside the city limits of Austin, but within our limited purpose jurisdiction. (Recommended by Water and Wastewater Commission)

Resolution No. 990722-13 was approved with the condition that this item complies with the SOS ordinance on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Council Member Spelman was off the dais.

25. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following firms: MAXIM TECHNOLOGIES, INC., Austin, Texas, HBC ENGINEERING, INC., Austin, Texas, ENVIRONMENTAL RESOURCE CONSULTANTS (MBE/MH), Austin, Texas, ENVIRONMENTAL TECHNOLOGIES, INC., (WBE/FR) Austin, Texas, GROUND TECHNOLOGY, INC., (MBE/FA) Houston, Texas, for an asbestos related consultant services rotation lists for the City's Asbestos Management Program, for an estimated period of approximately three years or until financial authorization is expended, each agreement for the first three firms not to exceed \$170,000 and each agreement for the succeeding two firms not to exceed \$45,000 with a total amount of the five agreements not to exceed \$600,000. MAXIM TECHNOLOGIES, INC.: 11.5% MBE, 20% WBE; HBC ENGINEERING, INC.: No MBE/WBE Subcontracting participation; ENVIRONMENTAL RESOURCE CONSULTANTS (MBE/MH): 79% MBE Prime, 2.80% MBE, 18.2% WBE Subcontracting participation; ENVIRONMENTAL TECHNOLOGIES, INC. (WBE/FR) 89.0% PRIME, 6% MBE, 5% WBE Subcontracting participation. GROUND TECHNOLOGY, INC. (MBE/FA) 93.30% Prime, 8.7% MBE, 0% WBE Subcontracting participation.

Resolution No. 990722-25 was approved on Council Member Garcia's motion, Council Member Griffith's second on a 6-0 vote. Council Member Spelman was off the dais.

28. Approve a resolution to adopt the City's 1999/2000 Community Development Program (CDP), as required by Chapter 373 of the Texas Local Government Code, and the federal Annual Consolidated Plan (ACP), which serves as the application for four entitlement grants from the U.S. Department of Housing and Urban Development (HUD). [Funding in the amount of \$12,197,000 is available from the four entitlement grants: \$8,105,000 from (Community Development Block Grant (CDBG); \$3,137,000 from (HOME Investment Partnerships Program (HOME); \$288,000 from Emergency Shelter Grant (ESG); and \$767,000 from (Housing Opportunities for Persons with Aids (HOPWA). These funds will be included in the 1999/2000 Proposed Budgets for the Neighborhood Housing and Community Development Office (NHCD) and the Austin/Travis County Health and Human Services Department. In addition, the 1999/2000 Proposed Budget for NHCD will also include: \$420,000 of anticipated CDBG 1999/2000 program income; \$25,472 of uncommitted CDBG funds from prior years; and \$265,825 of General Fund local match (plus an additional

\$440,000 in non-cash match from alternative sources.)) (Community Development Commission – 7/6/99)

Resolution No. 990722-28 was approved on Council Member Garcia's motion, Council Member Slusher's second on a 7-0 vote.

16. Approve a resolution authorizing execution of Change Order No. 6 to the construction contract with EDWARD R. COLEMAN CONSTRUCTION, Austin, Texas, for additional wastewater line adjustments as part of the Fort Branch of Boggy Creek Phase 2 Channel Improvements Project, increasing the contract in the amount of \$46,143.80 for a total contract amount not to exceed \$1,902,461.21. (Funding in an amount of \$46,143.80 is included in the 1995-96 Amended Capital Budget of the Water and Wastewater Utility.) 45.53% MBE, 0% WBE Subcontracting participation. (Recommended by Water and Wastewater Commission)

Resolution No. 990722-16 was approved on Council Member Slusher's motion, Council Member Spelman's second on a 7-0 vote.

47. C814-98-0002 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 150 feet along the north side of Bee Caves Road/RM2224, approximate ½ mile west of the intersection of Senna Hills Drive and Bee Caves Road/RM2224 from unzoned and "LA", Lane Austin district to "PUD", Planned Unit Development district zoning with conditions. First reading on July 1, 1999, Vote: 6-0 (Spelman absent). Conditions met as follows: Planned Unit Development Ordinance incorporates conditions imposed by Council on first ordinance reading. Applicant: BRE/Baldwin Ranch L.P. (Julian Jay Haas, Jr.); Agent: Richardson Verdoorn (Sandy Nash). City Staff: Clark Patterson, 499-2464. (Continued from 7-15-99)

A motion was made to approve by Council Member Lewis' motion, Mayor Watson's second. No vote was taken.

A substitute motion to not allow the gates but to put up signage to show the public the entrance and a sign to show where there would be no access to the public by Council Member Griffith, Council Member Spelman's second. Council Member Spelman withdrew his second.

A substitute motion offered was that on page 2 of 6 of the ordinance number 47, part seven, now states that the gate may not be constructed on a street in the PUD, except that it states a gate may be constructed. If we can turn that into gates may be constructed, so that is plural, at the entrance to the park parcel on exhibit B as parcel 15, strip the period and put in a comma at the entrance to that single family parcel directly adjacent to Lake Austin (identified on exhibit B as parcel 14) by Council Member Spelman, Council Member Garcia's second by a 7-0 vote.

9. Approve a resolution authorizing a Declaration of Restrictive Covenants and Agreement concerning annexation of Balfour Tract and dissolution of Baldwin Ranch Water Quality Protection Zone.

Resolution No. 990722-9 was approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 7-0 vote.

8. Approve third reading of an ordinance to annex, for limited purposes (planning, zoning, health and safety), the approximately 588 acre Balfour tract located on the north side of Bee Cave Road approximately .5 miles west of the intersection of Bee Cave Road and Senna Hills Drive. (The limited purpose annexation of undeveloped land has no fiscal impact.)

Ordinance No. 990722-8 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 7-0 vote.

A motion was made to reconsider item 47 on Council Member Spelman's motion, Council Member Slusher's second by a 7-0 vote.

Item 47 approved the substitute motion by Council Member Garcia, on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

27. Approve amendment No. 1 to increase the final option of the contract through the STATE OF TEXAS WITH AT&T WIRELESS, Austin, Texas, for cellular phone airtime and services used by the City of Austin staff in an amount not to exceed \$261,603 for a total revised contract amount not to exceed \$919,747. (Funding in an amount of \$261,603 is available in the Fiscal Year 1998-99 Approved Operating Budget of various City Departments.) No subcontracting opportunities were identified.

Resolution No. 990722-27 was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Council Members Lewis, Spelman and Mayor Watson were off the dais.

38. C14-98-0124 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3915 Capital of Texas Highway South from “I-LO”, Interim-Limited Office to “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. First reading on July 1, 1999; Vote 6-0 (Spelman absent). Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first ordinance reading. Applicant: Lopez-Phelps, Vaughn and Associates (Amelia Lopez-Phelps). City Staff: Don Perryman, 499-2786.

This item was postponed to August 28, 1999 at the request of the applicant on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Council Members Lewis, Spelman and Mayor Watson were off the dais.

44. C14-99-0101 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8400-8420 Bee Caves Road from “LR”, Neighborhood Commercial district zoning to “MF-1-CO”, Multifamily Residence (Limited Density)-Conditional Overlay Combining district zoning with conditions. First reading on July 1, 1999; Vote 6-0 (Spelman absent). Applicant: City of Austin; Agent: Development Review and Inspection Department; Property Owner: Ray Drayton Robertson. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990722-44 was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Mayor Watson was off the dais.

30. Approve a resolution authorizing H.L. Hotels, L.L.C., Austin, Texas, as the selected Convention Center Headquarters Hotel and Parking Facility developer and authorizing the City Manager to execute an Offer to Negotiate Exclusively and begin negotiation of a

development and operating agreement. The business agreement will detail the proposed ownership and financial structures related to the Headquarters Hotel and Parking Facility and will be presented to City Council for approval.

Resolution No. 990722-30 was approved with a friendly amendment by Council Member Slusher to look for ways to shuttle workers from outside downtown on Council Member Slusher's motion Council Member Griffith's second by a 7-0 vote.

29. Approve a resolution adopting a revised booking policy for the Austin Convention Center Department.

Resolution No. 990722-29 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

CONSENT ZONING ITEMS

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER SPELMAN'S MOTION, MAYOR PRO TEM GOODMAN'S SECOND BY A 7-0 VOTE.

Items 50 through 56 were pulled for discussion.

57. C14-99-0034 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 2432 South First Street from “SF-3”, Family Residence zoning district to “GO”, General Office district zoning. Planning Commission Recommendation: To Grant “GO”, General Office district zoning. Applicant: James Samon, Jr.; Agent: Jim Bennett. City Staff: Susan Villarreal, 499-6319.

Ordinance No. 990722-57 was approved.

58. C14-99-0036 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 9407-9413 Anderson Mill Road, 13352-13390 Pond Springs Road, 13357 U.S. Highway 183 North from “GR-CO” Community Commercial Conditional Overlay Combining District and “I-RR”, Interim-Rural Residence district to “MF-2”, Multifamily Residence (Low Density) district and “GR-MU”, Community Commercial-Mixed Use Combining district zoning. Planning Commission Recommendation: To Grant “MF-2”, Multifamily Residence (Low Density) district zoning for tract 1 and “GR-MU”, Community Commercial-Mixed Use Combining district zoning on Tracts 2 and 3 with conditions. Applicant: Mitchell and Rose T. Wong; Agent: Graves, Dougherty, Hearon and Moody (David Herndon) and Consort, Inc. (Ben Turner). City Staff: David Wahlgren, 499-6455.

First reading of this ordinance was approved.

59. C14-99-0065 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as Denali Parkway @ Wilson Parke Avenue from “I-RR”, Interim-

Rural Residence to "SF-2", Single-Family Residence (Standard Lot). Planning Commission Recommendation: To Grant "SF-2", Single-Family Residence (Standard Lot) district zoning. Applicant: Tomen-Parke Associates, Ltd. (James McCarthy), Tomen-Parke Inc. General Partner and Tomtex, Inc. Limited Partner; Agent: Richardson Verdoorn (Sandra Nash). City Staff: Clark Patterson, 499-2464.

First reading of this ordinance was approved.

60. C14-99-0084 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1605 Century Street from "SF-2", Single Family Residence (Standard Lot) district to "LI", Limited Industrial Service district zoning. Planning Commission Recommendation: To Grant "LI-CO", Limited Industrial Service district zoning with conditions. Applicant: Sylvia Burgin; Agent: Jim Bennett. City Staff: David Wahlgren, 499-6455.

First reading of this ordinance was approved.

Items 61 and 62 were pulled for discussion.

DISCUSSION ZONING ITEMS

50. C14-98-0156 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as Johnny Morris Road and Loyola Lane from "LI-CO", Limited Industrial Service-Conditional Overlay Combining district, "W/LO-CO", Warehouse/Limited Office-Conditional Overlay Combining district and "SF-3", Family Residence district to "MH", Mobile Home Residence district. Planning Commission Recommendation: To Grant "MH", Mobile Home Residence district zoning. Applicant: Drs. Carey & Georgia Leggett (Georgia Leggett); Agent: Republic Commercial Properties (Doug Hodge). City Staff: Susan Villarreal, 499-6319. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 3/11/99, 4/8/99, 6/3/99 and 7/1/99)

A motion was made to close the public hearing and postpone for one week to July 29, 1999 on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 4-1 vote. Council Member Slusher voted no. Mayor Watson was off the dais.

DISCUSSION ITEMS CONTINUED

45. Consider a resolution to authorize negotiation and execution of a managed growth agreement with Pohl, Brown and Associates regarding 503.30 acres of land, commonly known as the Pac Ten property and generally located near the intersection of RM 620 and U.S. Highway 183 for a development over a 10 year period under current regulations. (Continued from 5/20/99 and 6/3/99)

A motion to deny this item on Council Member Spelman's motion, Council Member Lewis' second. No vote was taken.

A substitute motion was made to postpone this item to September 9, 1999 at the request of Council on Council Member Garcia's motion, Council Member Slusher's second by a 5-2 vote. Council Members Griffith and Spelman voted no.

DISCUSSION ZONING ITEMS CONTINUED

51. C14-98-0248 - (Pac Ten) – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 11300-11314 Pecan Park Boulevard from “MF-3”, Multifamily Residence (Medium Density) district to “GR”, Community Commercial district zoning. Planning Commission Recommendation: To Grant “GR”, Community Commercial district zoning. Applicant: TS-SD II, LTD (Gary Brown); Agent: Graves, Dougherty, Hearon & Moody (David Herndon and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455. (Continued from 5/13/99, 5/20/99 and 6/3/99)

This item was postponed to September 9, 1999 due to the lack of action on item No. 45.

52. C14-98-0251 - (Pac Ten) – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 13608-13640 and 13820-14012 FM 620 North, 13912-14016 and 13801-14017 Tom Kemp Lane, 9220-9238 Parmer Lane from “I-RR”, Interim-Rural Residence, “SF-2”, Single Family Residence (Standard Lot) to “MF-3”, Multifamily Residence (Medium Density) district. Planning Commission Recommendation: To Grant “MF-3”, Multifamily Residence (Medium Density) district zoning with conditions. Applicant: PAR 620 Ltd. (Gary Brown), GH-620 Limited (Gary Hills Trustee) and David Bruce Smith; Agent: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455. (Continued from 5/13/99, 5/20/99 and 6/3/99)

This item was postponed to September 9, 1999 due to the lack of action on item No. 45.

53. C14-98-0255 – (Pac Ten) - Public hearing to amend Title 25 of the Austin City Code by zoning property locally known as 10101-10125 Lake Creek Parkway and 12905-13037 Hymeadow Drive from “I-RR”, Interim-Rural Residence and “SF-2”, Single Family Residence (Standard Lot) district to “LO”, Limited Office District. Planning Commission Recommendation: To Grant “LO”, Limited Office district zoning for Tract 1, “NO-CO”, Neighborhood Office-Conditional Overlay Combining zoning district zoning with conditions for Tract 2 and “RR”, Rural Residence district zoning for any area located in the 100 year flood plain. Applicant: Christianna Ltd. (Gary Brown); Agents: Graves, Dougherty, Hearon & Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.

This item was postponed to September 9, 1999 due to the lack of action on item No. 45.

54. C14-98-0266 - (Pac Ten) – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 14003-14007 U. S. Highway 183 North from “DR”, Development Reserve district zoning to “GR”, Community Commercial district zoning. Planning Commission Recommendation: To Grant “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: Wolf Family Trust (Thomas J. Wolf, Jr.); Agent: Graves, Dougherty, Hearon and Moody (David Herndon) and Pac Ten Partners (Gary Brown). City Staff: David Wahlgren, 499-6455.

This item was postponed to September 9, 1999 due to the lack of action on item No. 45.

55. C14-99-0019 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 13675 Research Boulevard from “I-RR”, Interim-Rural Residence district zoning to “CS”, General Commercial Services district zoning. Planning Commission Recommendation: To Grant “CS-CO”, General Commercial Service-Conditional Overlay

Combining district zoning with conditions. Applicant: The Heritage America Partnership, LTD (Henry Branson); Agent: Mathias Company (Richard Mathias). City Staff: David Wahlgren, 499-6455.

The public hearing was closed on Council Member Slusher's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson and Council Member Garcia were off the dais.

The first reading of the ordinance as recommended by the Planning Commission was approved on Council Member Slusher's motion, Council Member Lewis' second by a 6-0 vote. Mayor Watson was off the dais.

56. C14-99-0020 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 13689 Research Boulevard from “I-RR”, Interim-Rural Residence district zoning to “CS”, General Commercial Services district zoning. Planning Commission Recommendation: To Grant “GR-CO”, Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: The Heritage America Partnership, LTD (Henry Branson); Agent: Mathias Company (Richard Mathias). City Staff: David Wahlgren, 499-6455.

The public hearing was closed on Council Member Slusher's motion, Council Member Lewis' second by a 5-0 vote. Mayor Watson and Council Member Garcia were off the dais.

The first reading of the ordinance as recommended by the Planning Commission was approved on Council Member Slusher's motion, Council Member Lewis' second by a 6-0 vote. Mayor Watson was off the dais.

61. C14-98-0192 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1008 East 53rd Street from “SF-3”, Family Residence district to “GR”, Community Commercial district. Planning Commission Recommendation: To Grant “LR-MU-CO”, Neighborhood Commercial-Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant: Alexandra Renwick. City Staff, Ellen Meadows, 499-2339. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 5/6/99, 7/1/99 and 7/15/99)

The public hearing was closed and the first reading of the ordinance as recommended by the Planning Commission was approved on Council Member Slusher's motion, Council Member Garcia's second by a 6-0 vote. Council Member Spelman was off the dais.

62. C14-99-0073 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 12210 Tanglewood Drive from “SF-6”, Townhouse and Condominium Residence district to “SF-2”, Single Family Residence (Standard Lot) district. Planning Commission Recommendation: To Grant “SF-2”, Single-Family Residence (Standard Lot) district zoning. Applicant: Deborah D. Yates & Gilbert M. Martinez. City Staff: Clark Patterson, 499-2464. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 7/15/99)

The public hearing was closed on Council Member Lewis' motion, Council Member Slusher's second by a 7-0 vote.

The first reading of the ordinance was approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

66. Direct the City Manager to initiate the establishment of a privately funded preferred-rate mortgage program for City of Austin public safety personnel to live within the City. (Mayor Pro-Tem Jackie Goodman)
Resolution 990722-66 was approved on Council Member Lewis' motion, Council Member Garcia's second on a 7-0 vote.

Council Member Lewis made a friendly amendment to instruct the City Manager to institute a vehicle take-home program for officers living in city limits. Council Member Garcia did not accept the friendly amendment.

Council Member Lewis made substitute motion that the City Manager be directed to institute a vehicle take home program for officers living in city limits. Council Member Goodman seconded the motion. After some discussion, Lewis withdrew his substitute motion. The vote was taken on the original motion.

65. Approve an ordinance adding a new section 16-1-20 to the City Code regarding solicitations between occupants of motor vehicles and pedestrians and creating an offense for said solicitation. (Third reading) (Council Members Gus Garcia, Daryl Slusher and William Spelman)
A friendly amendment was made by Council Member Garcia, seconded by Council Slusher to have the ordinance be expanded to cover the entire city. A second friendly amendment was made by Council Member Garcia and accepted by Council Member Slusher that the area be narrowed from the entire city to an area outlined by Council Member Garcia. The third reading, as amended, passed on a vote of 5-2. Mayor Pro Tem Goodman and Council Member Griffith voted no.
46. C14-98-0146 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12602 Blackfoot Trail from "SF-1" Single Family Residence (Large Lot) district zoning to "SF-2" Single Family Residence (Standard Lot) district zoning on Tract 1 and "LR-CO", Neighborhood Commercial-Conditional Overlay Combining district zoning on Tract 2 with conditions. First reading on February 25, 1999; Vote 6-0, Watson off dais. Second reading on July 1, 1999; Vote 6-0 Spelman Absent. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council on first reading. Applicant: Abraham Birgani Agent: I. T. Gonzalez City Staff: David Wahlgren, 499-6455. (Continued from 7-15-99)
Ordinance 990722-46 was approved on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote. May have some wording regarding restrictive covenants.

PUBLIC HEARINGS

65. Conduct a public hearing on a request by the Taxicab Franchise Holders to change the Taximeter Rate of Fare.

The public hearing was recessed at 9:30 p.m. on Council Member Lewis' motion, Council Member Slusher's second by a 7-0 vote.

The public hearing was continued at 9:45 p.m.

A motion was made to suspend the rules and continue the Council past 10 p.m. on Council Member Slusher's motion, Council Member Spelman's second by a 7-0 vote.

The public hearing was closed on Council Member Griffith's motion, Council Member Spelman's second by a 7-0 vote.

ACTION ON PUBLIC HEARINGS

69. Approve a request by the Taxicab Franchise Holders to change the Taximeter Rate of Fare.
A motion to deny was made on Council Member Spelman's motion, Council Member Slusher's second. A friendly amendment was made by Council Member Goodman to involve Capital Metro, Special Transit, Health and Human Services and CAN to provide input. The friendly amendment was accepted by maker and second by a 7-0 vote.

ADJOURNED at 10:30 p.m. on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 7-0 vote.

The minutes for the Regular Meeting of July 22, 1999 were approved on this the 5th day of August, 1999 on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Council Members Lewis, Slusher and Spelman were off the dais.